

1                               BEFORE THE  
2                               ILLINOIS COMMERCE COMMISSION

3                               TRANSPORTATION BENCH SESSION  
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7                               Chicago, Illinois  
8                               May 4, 2011

9                               Met, pursuant to notice, at 10:30 a.m.

10                              BEFORE:

11                              MR. DOUGLAS P. SCOTT, Chairman

12                              MS. LULA M. FORD, Commissioner

13                              MS. ERIN M. O'CONNELL-DIAZ, Commissioner

14                              MR. SHERMAN J. ELLIOTT, Commissioner

15                              MR. JOHN T. COLGAN, Acting Commissioner  
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21                              SULLIVAN REPORTING COMPANY, by  
22                              Auhdikiam Carney, CSR  
                              License No. 084-004658

1           CHAIRMAN SCOTT:  Is everything ready in  
2   Springfield?

3           JUDGE WALLACE:  Yes, it is.

4           CHAIRMAN SCOTT:  Pursuant to the provisions of  
5   the Illinois Open Meetings Act, I now convene a  
6   regularly scheduled bench session of the Illinois  
7   Commerce Commission.

8                         With me in Chicago are Commissioners  
9   Ford, O'Connell-Diaz, Elliott, Acting Commissioner  
10  Colgan.  I'm Chairman Scott.

11                        We have a quorum.

12                        Before moving into the agenda,  
13  according to Section 1700.10 of the Illinois  
14  Administrative Code, this is the time to allow the  
15  members of the public to address the Commission.  
16  Members of the public wishing to address the  
17  Commission must notify the Chief Clerk's Office at  
18  least 24 hours prior to the Bench Session.

19                        According to the Chief Clerk's Office,  
20  we have one request to speak at today's bench  
21  session.  I believe we have Mr. Raymond Gerard with  
22  us today representing the Ivanhoe Country Club.

1                   Is Mr. Gerard here?

2           MR. GERARD:   Yes.

3           CHAIRMAN SCOTT:   Mr. Gerard, if you want to go  
4   to one of the microphones and turn them on, you will  
5   have 3 minutes to make your comments.

6           MR. GERARD:   Thank you, sir.

7                   I'm an attorney representing the  
8   Ivanhoe Country Club.  I'm here today speaking in  
9   regard to some rate hike requests --

10          MR. MATRISCH:   I'm sorry -- we can't hear him  
11   in Springfield.

12          CHAIRMAN SCOTT:   Push the button there.  Thank  
13   you, sir.

14          MR. GERARD:   I'm here today -- my name is  
15   Raymond Gerard.  I'm speaking on behalf of the  
16   Ivanhoe Country Club in relation to certain rate hike  
17   requests that have been made by Aqua Illinois, Inc.  
18   The water and sewer system served by that entity  
19   services the Ivanhoe Country Club subdivision.

20                   The country club that I represent  
21   operates the golf course that is part of the  
22   subdivision.  Many of its members are residents in

1     that subdivision. A number of residents did not get  
2     notice of the pending rate hike request except with  
3     their May bills, which they're just receiving now.  
4     The initial 45-day period ends May 21st. So they  
5     wouldn't have had any opportunity to be here today,  
6     on all practical purposes, so I'm here to speak for  
7     their interests as well. The Country Club also was  
8     the prior owner, as a matter of fact, of the water  
9     and sewer system and it has knowledge about both of  
10    those systems.

11                   The purpose for my coming here this  
12    morning is to simply suggest and request and  
13    recommend that the rate hikes be suspended and that  
14    the appropriate investigative period follow  
15    thereafter. We do not have sufficient information on  
16    the improvements that have been made.

17                   The rate hike requests deal with a  
18    number of -- seeks to recover costs on a number of  
19    capital improvements. We need further information on  
20    those improvements; potential cost savings; the  
21    reasonableness of any costs. Also there are other  
22    revenue sources from other properties in the area

1     that are potentially going to be connected to this  
2     system in the not too distant future so we need to  
3     know whether or not those possibilities have been  
4     considered in deferring the cost of the life span of  
5     the capital improvements.

6                     So that is, in essence, my comments.  
7     We would like to have the rate hikes suspended. The  
8     country club then would defer and intends to  
9     intervene in the proceedings thereafter.

10                    And I thank you for your time this  
11     morning.

12             CHAIRMAN SCOTT: Thank you very much,  
13     Mr. Gerard.

14                    We'll start with the Transportation  
15     Agenda. Up first is the approval of minutes from our  
16     April 12th Regular Open Meeting.

17                    Is there a motion to approve the  
18     minutes?

19             COMMISSIONER ELLIOTT: So moved.

20             CHAIRMAN SCOTT: Is there a second?

21             ACTING COMMISSIONER COLGAN: Second.

22             CHAIRMAN SCOTT: It's been moved and seconded.

1 All in favor say "aye."  
2 (Chorus of ayes.)  
3 Any opposed?  
4 (No response.)  
5 The vote is five to nothing and the  
6 minutes from April 12th are approved.  
7 Moving on to the Railroad section.  
8 Items RR-1 thorough RR-3 can be taken  
9 together. These items concern petitions for the  
10 authorization of construction improvements and  
11 modifications at railway crossings across Illinois.  
12 In each case the ALJ recommends that  
13 the Commission enter an Order granting the Petition  
14 authorizing the improvements.  
15 Is their a motion to enter the Orders?  
16 COMMISSIONER ELLIOTT: So moved.  
17 CHAIRMAN SCOTT: Is there a second?  
18 COMMISSIONER O'CONNELL-DIAZ: Second.  
19 CHAIRMAN SCOTT: All in favor say "aye."  
20 (Chorus of ayes.)  
21 Any opposed say "nay."  
22 (No response.)

1                   The vote is five to nothing and the  
2   Orders are entered. We will use this five nothing  
3   vote for the remainder of the transportation agenda  
4   unless otherwise noted.

5                   Item RR-4 is Docket No. T10-0179.  
6   This item concerns a Petition by the Illinois  
7   Department of Transportation requesting approval to  
8   exercise eminent domain over a property in Kane  
9   County. ALJ Duggan recommends that the Commission  
10   enter an Order granting the Petition and approving  
11   the exercise of eminent domain.

12                   Is there any discussion?

13                   (No response.)

14                   Any objections?

15                   (No response.)

16                   Hearing none, the Order is entered.

17                   Item RR-5 is Docket Nos. T11-0008 and  
18   T11-0009 consolidated. This item concerns Petitions  
19   by the Department of Transportation and City of  
20   Chicago requesting authorization for improvements and  
21   modifications at crossings of Illinois Route 19 in  
22   Chicago. ALJ Kirkland-Montague recommends that the

1 Commission enter an Order granting the Petitions.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Item RR-6 is Docket No. T11-0010.

8 Like Item RR-4, this concerns a Petition by the

9 Illinois Department of Transportation requesting

10 approval to exercise eminent domain over property in

11 Kane County. ALJ Duggan recommends that the

12 Commission enter an Order granting the Petition and

13 approving the exercise of eminent domain.

14 Is there any discussion?

15 (No response.)

16 Any objection?

17 (No response.)

18 Hearing none, the Order is entered.

19 Items RR-7 through RR-11 can be taken

20 together. These items each concern stipulated

21 agreements regarding public safety improvements and

22 highway-rail grade crossings across Illinois. In



1     each case Staff recommends that the Commission enter  
2     an Order approving the stipulated agreement.

3                     Is there any discussion?

4                     (No response.)

5                     Any objection?

6                     (No response.)

7                     Hearing none, the Orders are entered.

8                     Items RR-12 and RR-13 can be taken  
9     together. These items each concern stipulated  
10    agreements regarding public safety improvements at  
11    highway-rail grade crossings. In each case Staff  
12    recommends that the Commission enter a Supplemental  
13    Order approving an extension of time associated with  
14    the project's completion.

15                    Is there any discussion?

16                    (No response.)

17                    Any objections?

18                    (No response.)

19                    Hearing none, the Supplemental Orders  
20    are entered.

21                    Item RR-14 is Docket No. T11-0032.

22    This item concerns a stipulated settlement agreement

1     regarding public safety improvements at a  
2     highway-rail grade crossing in Wayne County. Staff  
3     recommends that the Commission enter an Amended Order  
4     correcting the AAR/DOT identification number listed  
5     in the original Order entered on March 23rd.

6                     Is there any discussion?

7                     (No response.)

8                     Any objection?

9                     (No response.)

10                    Hearing none, the Amended Order is  
11     entered.

12                    On to Motor Carriers.

13                    Items MC-1 through MC-8 will be taken  
14     together. These items concern stipulated settlement  
15     agreements concerning alleged violations of the  
16     Illinois Commercial Transportation Law. In each case  
17     the transportation counsel recommends entering an  
18     Order accepting the stipulated settlement agreement.

19                    Is there any discussion?

20                    (No response.)

21                    Any objections?

22                    (No response.)

1                   Hearing none, the Orders are entered  
2     and the settlement agreements are approved.

3                   Items MC-9 and MC-10 can be taken  
4     together. These items are Applications for  
5     Certificates of Public Convenience and Necessity  
6     under the Illinois Commercial Transportation Law  
7     concerning household goods property motor carrier  
8     authority. In each case ALJ Duggan recommends that  
9     the Commission enter an Order approving the  
10    application.

11                  Is there any discussion?

12                  (No response.)

13                  Any objections?

14                  (No response.)

15                  Hearing none, the Orders are entered  
16    and the applications are approved.

17                  Item MC-11 is Kevin's Auto Repair &  
18    Transport's application for renewal of it's  
19    commercial relocation towing license. Our  
20    transportation counsel recommends entry of an Order  
21    granting the application for renewal.

22                  Is there any discussion?

1 (No response.)

2 Any objections?

3 (No response.)

4 Hearing none, the Order is entered and

5 the renewal is granted.

6 We also have two administrative

7 matters posted for today's agenda. We have since

8 been informed that each of these items does not

9 require any Commission action so no action will be

10 taken.

11 Mr. Matrisch, is there any further

12 business to come before the Commission today?

13 MR. MATRISCH: Nothing further, Chairman.

14 Thank you.

15 CHAIRMAN SCOTT: Thank you.

16 Hearing none, that concludes today's

17 transportation agenda.

18 (And those were all the

19 proceedings had.)

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